

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, SEPTEMBER 21, 2005**

**C-1     CALL TO ORDER / ROLL CALL**

The City Council Closed Session meeting of September 21, 2005, was called to order by Mayor Beckman at 6:00 p.m.

Present: Council Members – Hansen, Johnson, Mounce, and Mayor Beckman

Absent: Council Members – Hitchcock

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

**C-2     ANNOUNCEMENT OF CLOSED SESSION**

- a) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(B) regarding former Electric Utility Director
- b) Actual litigation: Government Code §54956.9(a); one case; *People of the State of California; and the City of Lodi, California v. M & P Investments, et al.*; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- c) Actual litigation: Government Code §54956.9(a); one case; *Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al.*, Superior Court, County of San Francisco, Case No. 323658
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual litigation: Government Code §54956.9(a); one case; *Fireman's Fund Insurance Company v. City of Lodi, et al.*, United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM
- f) Actual litigation: Government Code §54956.9(a); one case; *City of Lodi v. Michael C. Donovan, an individual; Envision Law Group, LLP, et al.*, San Joaquin County Superior Court, Case No. CV025569

**C-3     ADJOURN TO CLOSED SESSION**

At 6:00 p.m., Mayor Beckman adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:43 p.m.

**C-4     RETURN TO OPEN SESSION / DISCLOSURE OF ACTION**

At 7:00 p.m., Mayor Beckman reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

In regard to Items C-2 (a), (b), (c), (d), and (f), no reportable action was taken in closed session.

In regard to Item C-2 (e), Mr. Schwabauer explained that Fireman's Fund Insurance Company sued the City of Lodi to have the Municipal Environmental Response and Liability Ordinance (MERLO) determined to be preempted by federal law and claimed it was a violation of its civil rights. The Ninth Circuit Court upheld Judge Damrell's determination that the MERLO was preempted. The question of whether or not it violated Fireman's Fund civil rights was never adjudicated; however, case law in the Ninth Circuit states that when an adjudicated civil rights case is tied to a preemption case, there is a right to attorneys' fees as long as the civil rights case is not wholly frivolous. This led to Fireman's Fund having a \$3.2 million attorneys' fee claim against the City. The City mediated that claim, and Council approved a settlement of \$1 million in closed session by a 4-0 vote.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of September 21, 2005, was called to order by Mayor Beckman at 7:00 p.m.

Present: Council Members – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Alan Kimber, First United Methodist Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Beckman.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Beckman presented a proclamation to Olivia Briesmeister, RSVP Project Director with the Human Services Agency, proclaiming October 1, as “Retired and Senior Volunteer Program Day” in the City of Lodi.

D-2 (b) Mayor Beckman presented a proclamation to Jenny Espiritu, representing the University of the Pacific, proclaiming the month of October as “American Pharmacists Month” in the City of Lodi.

D-3 (a) Mayor Beckman presented a Certificate of Recognition to Pastor Steve Newman with First Baptist Church in celebration of its 100th anniversary.

D-3 (b) Tony Segale, representing the “Wall Dogs,” explained that it is a group of sign painters who use the traditional method of painting by hand. They visit various cities and paint wall murals over a three day weekend. The event is planned in Lodi for the 2006 Memorial Day weekend, with nine walls selected for murals. The murals will create a walking tour in the downtown area that tells the history of Lodi. He introduced committee members: Barbara McWilliams, Tea Silvestre, Linda Martin, Janice Roth, Marty Weybret, and Arleen Lund. Mr. Segale reported that this would be the first Wall Dogs event west of the Rockies and up to 100 artists would be participating.

Tea Silvestre invited all interested entertainers to contact her if they would like to participate in the event.

Linda Martin stated that there is a need for artist lodging and transportation to and from the airport and the event site. Volunteers are needed for registration, gathering souvenir gifts and brochures, and refreshments.

Council Member Hansen and Mayor Pro Tempore Hitchcock offered to host an artist at their home during the event.

Barbara McWilliams stated that meals will need to be provided to the artists and it is hoped that community service groups will get involved.

---

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Hansen, Mounce second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of \$5,146,348.78.

- E-2 The minutes of August 3, 2005 (Regular Meeting), August 9, 2005 (Shirtsleeve Session), August 16, 2005 (Shirtsleeve Session), and September 6, 2005 (Shirtsleeve Session) were approved as written.
- E-3 Approved the plans and specifications and authorized advertisement for bids for playground improvements at Van Buskirk Park, 600 N. Pleasant Street, and Hale Park, 209 E. Locust Street.
- E-4 Adopted Resolution No. 2005-194 approving the purchase of a self-contained breathing apparatus acquired through the FIRE Act and Homeland Security grant programs and appropriating funds in the amount of \$49,384.87.
- E-5 Adopted Resolution No. 2005-195 awarding the contract for Henning Substation Driveway and Parking Lot Expansion, 1345 West Kettleman Lane, to A.M. Stephens Construction Company, Inc., of Lodi, in the amount of \$60,440.
- E-6 “Adopt resolution awarding contract for Elevator Services for City Facilities to ThyssenKrupp Elevator Corporation, of West Sacramento (\$30,360)” was ***pulled from the agenda pursuant to staff’s request.***
- E-7 Adopted Resolution No. 2005-196 accepting the improvements in Wine and Roses Residences, Tract No. 3409.
- E-8 Adopted Resolution No. 2005-197 approving the Final Map and Improvement Agreement for Vintage Oaks, Tract No. 3482, and appropriating funds in the amount of \$4,700 for required reimbursements.
- E-9 Adopted Resolution No. 2005-198 approving the Final Map and Improvement Agreement for Lakeshore Properties, Tract No. 3515, and directed the City Manager and City Clerk to execute the improvement agreement and map on behalf of the City.
- E-10 Adopted Resolution No. 2005-199 authorizing the City Manager to execute the property owner agreement for the “Wall Dogs” Mural Project at Lodi Station Parking Structure.
- E-11 Adopted Resolution No. 2005-200 authorizing the City Manager to execute San Joaquin Council of Governments Cooperative Agreements for Grapeline and Dial-A-Ride capital purchases.
- E-12 Adopted Resolution No. 2005-201 approving renewal of existing Downtown parking lot cleaning contract with United Cerebral Palsy of San Joaquin and Amador Counties, of Stockton, for fiscal year 2005-06, in the amount of \$36,100.
- E-13 Adopted Resolution No. 2005-202 accepting funds in the amount of \$46,045 from the Bureau of Justice Assistance to support technology program activities within the Lodi Police Department.

---

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Jim Neal, representing Targeted Opportunities to Prevent Pollution in San Joaquin County (TOPPS), explained that it was a partnership of businesses, government, and civil organizations whose mission is to inform, educate, and support county businesses, industry, and agriculture in their efforts to better the environment and improve financial performance by minimizing pollution to air, water, and land. Lustre Cal Nameplate Corporation of Lodi has been selected by TOPPS to receive an award at the 12<sup>th</sup> Annual Environmental Excellence Awards Ceremony on September 23.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Mounce asked for clarification on rules related to when members of the public can speak, specifically when there are separate joint meetings scheduled. She preferred that items of interest to the public be scheduled at the beginning of meetings.

City Attorney Schwabauer reported that there is no State law that controls the ability of a member of the public to speak at any specific time at a meeting; however, the chair has authority to institute rules of order and restrict comment to particular points of time during the meeting.

- Council Member Hansen stated that the recent S.H. Cowell Foundation meeting went well and over 100 people attended. Representatives will return in January to discuss investing in the City and the Partnership for Families program.
- Council Member Johnson recalled that, at the meeting of September 7, he asked that the City's ordinance related to card rooms be reviewed as it is outdated. He asked whether any other Members of the Council would be interested in doing so, which Mayor Beckman and Council Member Hansen replied in the affirmative. Mr. Johnson commented that he believed City Manager King was doing an excellent job, as well as Finance Director Krueger, who were both working diligently to help lead Lodi out of difficult situations.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King introduced Randy Hatch who would begin employment on September 26 as the Community Development Director.

I. PUBLIC HEARINGS

- I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Beckman called for the public hearing to hear protests on the proposed water rate increase for PCE/TCE remediation and to consider adoption of resolution establishing water rates.

City Manager King reported that notices, in accordance with Proposition 218, were mailed to all property owners on August 5. Information has been posted on the City's website and presentations have been made by staff to various community groups and service clubs. There have been a number of newspaper articles published on this topic, and a list of frequently asked questions was prepared by staff to assist the public in understanding the situation. The proposed water rate increase was based upon the target number of \$45.7 million needed for perchloroethylene (PCE) and trichloroethylene (TCE) remediation. Mr. King explained that this amount includes all capital, operating, legal, and regulatory oversight expenses for an estimated 30-year remediation time frame and also includes repayment of approximately \$12.2 million in past expenses advanced by the water and wastewater funds.

Mayor Pro Tempore Hitchcock stated that she received an e-mail challenging her ability to participate or vote on this matter because she owns property near the area of contamination. She asked the City Attorney if this constituted a conflict of interest.

City Attorney Schwabauer explained that in order to have a conflict, the vote would have to have a material financial effect upon the real property. Mr. Schwabauer stated that he contacted a number of real estate agents in Lodi who have stated that there is no market evidence to suggest that houses located in a deep groundwater plume area have decreased in property value. In addition, there is no evidence to suggest that property owners in the area of contamination are responsible parties or could be sued to clean up the contamination. Also the "public generally" exception applies, so in no case is there a conflict of interest.

In reference to Beckman Capital, Mayor Beckman stated that it could be a distant family relation, though he was unaware of it, and asked whether this could constitute a conflict of interest.

Mr. Schwabauer replied that Mr. Beckman did not have a conflict and explained that Beckman Capital's sole role was that it had a holdover tenant for six months. It did not receive any rent or profit. The settlement with Beckman Capital Corporation was predominantly based on the fact that it would have spent as much money drafting a summary judgment motion or a motion to dismiss.

Mr. King stated that the PCE/TCE contamination cleanup cannot be avoided. If it were not remediated, the City would have to get water from another source. Grants or federal assistance has not been made available. The City attempted, to the maximum extent feasible, to get polluters and insurers to pay for the cleanup, rather than ratepayers. Public Works engineering staff has concluded that the remediation would cost \$3 million annually. Options include taking all the money from the infrastructure replacement fund; however, not replacing the leaking pipes would continue to make the problem worse. If the money was borrowed, the impact on ratepayers would be the same, but it would cost the City more. If General Fund monies were used (instead of a water rate increase), it would amount to an additional 7% budget cut, which would result in significant service reductions. Mr. King pointed out that the City currently has 29 vacant positions. Recently the City had only \$156,000 of undesignated, unreserved money available in the General Fund out of a \$43 million budget. The City should be maintaining a 15% reserve to be prepared to cover expenses in case of a major emergency.

Mr. Schwabauer reported that \$16 million was borrowed and paid to lawyers over the last five years to sue polluters. In addition, there was \$6 million spent from the water fund prior to that time. Five years into the litigation, a \$1 million settlement was received at a cost of \$22 million in legal fees. Once the Council changed direction and its counsel, a cost benefit analysis was done to determine what course of action to take. Mr. Schwabauer explained that the City cannot recover its attorneys' fees against the polluters because it was deemed to be a potentially responsible party. In the context of environmental liability, the City could be required to pay the "orphans share" of the remediation cost. The City bears some responsibility because the contaminants leaked through sewer pipes and the water wells have caused the PCE/TCE plumes to spread. The State has determined that the City is liable and ordered it to clean up the contamination. The City must either follow the order or be sued for daily fines and penalties, plus attorneys' fees.

Public Works Director Prima noted that the firm of Bartle Wells Associates was contracted with to conduct a rate analysis and develop a water rate structure to fund PCE/TCE remediation. Bartle Wells recommends a modified pay-as-you-go alternative using cash from settlements and the rate increase with no borrowing other than internally within the water fund. \$12 million in past expenses will be paid back over the course of 15 years. For a three-bedroom home, the first rate increase of \$3.50 will occur January 2006, a second \$3.50 increase will take place July 2006, and a third \$3.50 increase will take effect on July 2007. In addition, there is a provision that rates could be adjusted annually based on the Consumer Price Index. A separate fund has been set up for past expenses and a new fund will be established for future expenses. The rate resolution stipulates that it be brought back for Council review on an annual basis. With the aid of overheads (filed), Mr. Prima displayed graphs showing the water fund balance with and without the rate increase.

Mr. Prima reported that PCE and TCE are carcinogenic materials. A number of buildings have been monitored and found to have PCE/TCE vapors that exceed the level the Environmental Protection Agency has established. Contaminants have also been found in groundwater in levels that greatly exceed drinking water standards. The water the City is providing to citizens meets state and federal standards; however, the supply is threatened. Cleanup methods include soil vapor extraction, sparging, and groundwater extraction and treatment.

Mr. Prima acknowledged the many complaints received by the public regarding the inequity of charging for water based upon the number of bedrooms in a home and agreed that the only fair way to charge for water use is through meters. State legislation was passed that mandates commodity pricing for water by 2026. This fiscal year, Lodi will install 400 meters on residences to get a statistical sample on what the water usage is and test metered rates. This fall, staff will request approval to purchase and install water meters, as well as recommend policies for implementation. There are approximately 800 homes that have paid for water meters and they will be within the first group to be installed. Mr. Prima reported that there are currently 16 homes with test meters and results have varied dramatically.

In reply to Mayor Pro Tempore Hitchcock, Mr. Prima stated that a surcharge for swimming pools could be considered at a later time

### RECESS

At 8:50 p.m., Mayor Beckman called for a recess, and the City Council meeting reconvened at 9:00 p.m.

### I. PUBLIC HEARINGS (Continued)

#### I-1 Hearing Opened to the Public (Cont'd.)

- Eileen St. Yves, speaking as an owner, property manager, and president of the Rental Property Association, noted that renters are the ones who can least afford to pay the rate increases. She felt that individual homes that are in the rental market today should have water meters and pointed out that the owners of those homes would not protest a rate increase because they do not pay it. She complained of the process being used and the high amount of the rate increase. She favored small annual increases that people can budget for more easily. She supported water meters for the conservation benefits, as well as equity in billing.
- Lee Elwood protested the water rate increase and asked why a single person living in a home must pay the same rate as a home with five residents. He felt that Council was not considering people on fixed incomes and asserted that it only favored special interest groups.
- Judy Young introduced herself as a self-appointed advocate for seniors, low income, fixed income, disabled, non-English speaking citizens, and renters. She objected to not allowing all rate payers an opportunity to protest. She stated that people were confused by newspaper articles with conflicting information about the process. She felt that it created a hardship on individuals by not including a protest form with the notices that were mailed. She believed that no one in an executive position in the City should get a raise until the contamination is cleaned up. She stated that no Council Member who owns property in the contaminated area should vote on this matter, as it would create a conflict of interest.
- Camille Green asked questions and made the following comments:
  - 1) Did Council discuss and decide in closed session to raise the water rates;
  - 2) How could the settlements be agreed upon without knowing how much the water rates would be increased;
  - 3) Why did the State Water Board not deal directly with the businesses that polluted;
  - 4) The funds collected for the water rate increase should be placed in a restricted fund so that future Councils cannot borrow from it for their projects, as this Council has done with monies collected for infrastructure replacement;

- 5) Were letters not counted because senders stated they could not afford the increase, but did not specifically state they were protesting the water rate;
  - 6) Why was money turned down when it was available from Brownfields and county, state, and federal grants;
  - 7) Money was spent on replacing the Woodbridge Dam, rather than hiring more public safety personnel;
  - 8) Money is being spent on severance packages; and
  - 9) It was estimated that the Wal-Mart Supercenter would bring in additional revenue to the City of \$1 million annually, yet that was not calculated into what could be used for the PCE/TCE cleanup.
- Jane Lea opposed the water rate increase. She thanked everyone who walked neighborhoods to distribute protest forms. She reported that over 3,000 protests were submitted by property owners and many hundreds more were filed from renters.
  - Bill Crow pointed out that Public Works Director Prima had reported to Council decades ago that the City's infrastructure needed repair and it was ignored. Mr. Crow stated he was opposed to the amount of the rate increase. He expressed displeasure with the Council and believed that others felt the same and would vote accordingly in the next election.
  - Monica Herrera objected to the process and felt that all ratepayers should have been given an opportunity to protest the rate increase.
  - Eunice Friederich distributed and reviewed her utility bills (filed). She submitted 112 written protests to the City Clerk. She was opposed to the inequity in charging for water based on the number of bedrooms in a home rather than the amount of water actually used. She stated that the poor and elderly of the community cannot afford the rate increases and asked Council to find a more equitable way to come up with the money. On behalf of another person in the audience, she asked about enterprise zones.
  - Marcie Nishizaki asked why the two principle businesses responsible for the pollution are still in operation, rather than being forced to sell all assets to pay for the PCE/TCE cleanup.
  - Violet Froehlich spoke in favor of water meters and stated that she would be willing to pay for one right away.
  - Treacy Elliott stated that he had not yet heard an option described by staff where the City would cut back on some services and share in the cost of remediation, rather than placing the entire burden on the ratepayers.

Public Portion of Hearing Closed

Mayor Beckman explained that the City was attempting to comply with State Proposition 218 as best as it legally could. Proposition 218 states that property owners can submit written protests. The Howard Jarvis Taxpayers Association is satisfied with the process as long as renters are allowed to voice their opinions, which the City has accepted. Recently, the Lodi Budget/Finance Committee was formed, which will oversee and monitor City accounts. Plans to install water meters in Lodi are underway. In reference to the question of whether the City will share in the cost, Mr. Beckman pointed out that \$3 million was cut from the current fiscal year's budget.

City Attorney Schwabauer reviewed Proposition 218, the constitutional initiative approved by California voters in 1996, and Government Code regulations pertaining to closed sessions. In answer to questions previously posed by members of the public, he confirmed that Council did not make decisions regarding water rates or how to fund the remediation in closed session. He stated that the City could have gone to trial and forced polluters to pay

more in settlement by selling all their assets; however, after paying more in attorneys fees, the net amount received would have been less. He reiterated that the City had to make cost benefit decisions when considering settlements.

City Manager King offered the following responses to questions previously posed by members of the public. Lodi does not have an enterprise zone. A smaller rate increase would not achieve the amount needed without requiring additional borrowing.

Council Member Mounce stated that she read every written comment submitted by the public related to this matter. She stated that if the City charged \$2 per person for the next 30 years it would raise \$43 million. She believed it was unconscionable to expect the poor to pay the proposed rate increase and did not feel that the 20% Low-Income Discount program was sufficient. She felt there should be an exemption for extreme hardships and for handicapped and senior members of the community. All ratepayers should have been allowed an opportunity to protest the rate increase. She favored a ballot initiative to increase the sales tax as a source of funding.

Council Member Hansen commented that Congressman Pombo has been asked for assistance in this matter and a reply is pending. He reiterated his support of the City's Low Income Discount program. He stated that Lodi's water rates will be competitive with other cities even after the rate increases take effect. He agreed that meters are the fairest way to charge for water; however, he believed that many people would be surprised by the amount of water they use unknowingly through leaking irrigation pipes, etc. He pointed out that the businesses that used PCE/TCE many decades ago were unaware of the consequences, as it was not known at the time that they were carcinogenic. Mr. Hansen acknowledged that the City could have sued them until they were bankrupt, though he did not believe it would have been the right thing to do. He confirmed that Richard Prima (Public Works Director) in 1978 wrote a memorandum to Council recommending that the City's infrastructure be repaired; however, it was not acted upon.

Council Member Johnson reported that he read every written comment submitted by members of the public on this issue. He acknowledged that some individuals are truly needy; however, there were comments submitted by senior citizens who owned mortgage-free, \$800,000 homes complaining that they could not afford the water rate increase because they were on fixed incomes.

Mayor Pro Tempore Hitchcock asked audience members if they had ideas for other solutions.

- Lee Elwood suggested that the Council discontinue giving raises and bonuses.
- Eunice Friederich stated that a sales tax increase would be more equitable, as the rich make many purchases and the poor do not.

City Manager King suggested that an additional question be added to the ballot measure in November 2006 to affirm the Low-Income Discount program, i.e. that the third \$3.50 water rate increase on July 1, 2007, be eliminated for those who qualify for the program.

Mayor Pro Tempore Hitchcock favored Mr. King's suggestion.

Council Member Hansen stated that he was willing to explore the idea once the ramifications were fully understood.

City Clerk Blackston reported that the total number of property owners as shown on the last equalized assessment roll of San Joaquin County (at the time the public notice was mailed) was 18,939; therefore, a majority protest would be 9,471. City Clerk staff personally



received and assembled all written protests returned by mail or delivered in person. There were 3,185 written protests received and verified against the property owner list and 112 submitted during the public hearing (not yet verified) for a total "possible" number of 3,297 written protests. She reported that the total number of written protests received from individuals other than property owners was 610.

*NOTE: The City Clerk subsequently certified 3,278 written protests to the proposed increase to monthly water rates (certificate filed).*

Mayor Beckman stated that he would vote against the matter because the subsidy for the Low-Income Discount Program was factored into the water rate increase.

MOTION #1:

Mayor Pro Tempore Hitchcock made a motion to adopt the resolution establishing water rates and to add an additional question to the ballot measure in November 2006 to affirm the Low-Income Discount program, i.e. that the third \$3.50 water rate increase on July 1, 2007, be eliminated for those who qualify for the program.

DISCUSSION:

City Manager King recommended that his earlier suggestion not be considered at this time, as it requires more analysis.

Mayor Pro Tempore Hitchcock **withdrew** her motion.

MOTION #2 / VOTE:

The City Council, on motion of Council Member Hansen, Johnson second, adopted Resolution No. 2005-203 establishing water rates, as recommended by staff, to be effective January 2006, July 2006, and July 2007. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, and Johnson

Noes: Council Members – Mounce and Mayor Beckman

Absent: Council Members – None

J. COMMUNICATIONS

J-1 Claims filed against the City of Lodi – None

J-2 The following postings/appointments were made:

a) The City Council, on motion of Council Member Johnson, Beckman second, unanimously made the following appointment:

Lodi Animal Shelter Task Force

Christy Morgan Unspecified term limit

b) The City Council, on motion of Mayor Pro Tempore Hitchcock, Beckman second, unanimously directed the City Clerk to post for the following vacancy:

Lodi Arts Commission

Donna Phillips Term to expire July 1, 2006

J-3 Miscellaneous

a) City Clerk Blackston presented the cumulative Monthly Protocol Account Report through August 31, 2005.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Mayor Pro Tempore Hitchcock, Beckman second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour.

K. REGULAR CALENDAR

- K-1 "Conduct public meeting to allow testimony regarding proposed Zones 8 through 12 of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1"

City Manager King introduced the item and there were no members of the public wishing to speak on the matter.

MOTION/ VOTE:

There was no Council action taken on this matter.

- K-2 "Adopt resolution ratifying settlement agreement with former Electric Utility Director Alan Vallow and appropriate funds therefore" was ***pulled from the agenda.***

L. ORDINANCES

- L-1 Following reading of the title of Ordinance No. 1764 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.12, 'Sewer Service,' by Repealing and Reenacting Section 13.12.020 (20) Relating to Definition of Industrial System; and Further Repealing and Reenacting Section 13.12.150 Relating to 'Connections Outside City'," having been introduced at a regular meeting of the Lodi City Council held September 7, 2005, the City Council, on motion of Mayor Beckman, Mounce second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hansen, Johnson, Mounce, and Mayor Beckman  
Noes: Council Members – Hitchcock  
Absent: Council Members – None  
Abstain: Council Members – None

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:08 p.m.

ATTEST:

Susan J. Blackston  
City Clerk